

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN SHKRELI and EVAN GREEBEL,

Defendants.
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No. 15-CR-00637

**DECLARATION IN SUPPORT OF MR.
GREEBEL'S MOTIONS FOR (1) A
BILL OF PARTICULARS AND (2)
PROMPT DISCLOSURE OF *BRADY*
MATERIALS**

I, LISA H. RUBIN, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am of counsel with the law firm of Gibson Dunn & Crutcher LLP ("Gibson Dunn") and am licensed to practice law in the State of New York. I also am a member of the bar of this Court. I make this declaration in support of Mr. Greebel's Motions for a Bill of Particulars and Prompt Disclosure of *Brady* Materials based on my personal knowledge of the facts stated herein and a review of my firm's records.

2. On or about February 16, 2016, my colleagues Reed Brodsky, Joel Cohen, Winston Chan (via telephone), and I met with Assistant U.S. Attorneys Winston Paes and Alixandra Smith and their paralegal Gabriela Balbin.

3. At that meeting, we asked for the government's assistance in identifying the unidentified individuals referenced in the Indictment filed on December 14, 2015. *See* Dkt. 1. The government provided the identities of "Co-Conspirator 1," "Corrupt Employee 1," and "Corrupt Employee 2," without specifying who was "1" and "2." The government declined to identify the "Capital Limited Partners," "Healthcare Limited Partners," "Investor 1," "Investor 2," or "Investor 3."

4. On or about April 13, 2016, Mr. Brodsky, Mr. Cohen, and I again met with Assistant U.S. Attorneys Winston Paes, Jacquelyn Kasulis, and Alixandra Smith.

5. At that meeting, we requested information regarding (1) all unindicted co-conspirators in Count Seven of the Indictment; (2) all unidentified individuals, including “Investor 1,” “Investor 2,” and “Investor 3;” (3) the four so-called “sham” consulting agreements referenced in the Indictment; and (4) the seven settlement agreements referenced in the Indictment. The government declined to identify all unindicted co-conspirators; agreed to identify other unidentified individuals other than investors; stated it would consider whether to identify the investors; and stated that it would identify the consulting and settlement agreements referenced in the Indictment. As of this date, the government has not provided the additional information.

6. Attached as Exhibit A is a true and correct copy of a July 12, 2016 letter from Mr. Brodsky to Mr. Paes, Ms. Kasulis, and Ms. Smith.

7. Attached as Exhibit B is a true and correct copy of the government’s July 13, 2016 letter to counsel for Mr. Shkreli and Mr. Greebel, with redactions of the names of three consultants.

8. Attached as Exhibit C is a true and correct copy of excerpts from the transcript of the July 14, 2016 criminal status conference before this Court.

9. Attached as Exhibits D and E are true and correct copies of a video of Mr. Shkreli’s statements to the FBI on December 17, 2015, as produced to Mr. Greebel’s counsel by the government on July 13, 2016 and Bates numbered SHKRELI000001, and a certified transcript of the same. Because the video features Mr. Shkreli in custody and reflects his

statements, at the request of his counsel, we are submitting these exhibits to the Court and the other parties, but we have moved to file them under seal.

Dated: New York, New York
September 16, 2016

Lisa H. Rubin